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**APPLICATION OF**

**HENRY COUNTY POWER, LLC**

**CASE NO. PUE010300**

**For a certificate of public convenience and  
necessity for electric generation facilities  
in Henry County, Virginia**

**HEARING EXAMINER'S RULING**

**September 27, 2001**

On September 27, 2001, the Commission's Staff, by counsel, filed a Motion for Suspension of Procedural Schedule in the captioned proceeding. In support of the Motion, the Staff states that Henry County Power, LLC ("Applicant") failed to distribute promptly its "Environmental Assessment" materials to reviewing agencies. As a result, the Department of Environmental Quality ("DEQ") filed its report to the Staff on September 21, 2001 -- one week after the date the Staff had requested. The DEQ report cited insufficient time to accomplish a thorough review as well as inadequate information given by the Applicant. Staff requests a suspension of the full procedural schedule, or in the alternative, a one-week extension to file its testimony. Staff states that the Applicant has advised it does not object to an extension, provided that the date for filing rebuttal testimony is extended.

Good cause having been shown, I find the procedural schedule established in the Commission's order of July 12, 2001, should be modified in part. Accordingly,

**IT IS DIRECTED:**

- (1) That the Staff shall file its prepared testimony and exhibits on October 5, 2001; and
- (2) That the Applicant shall file any rebuttal testimony on October 12, 2001.

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Howard P. Anderson, Jr.  
Hearing Examiner